



General Assembly

January Session, 2015

Raised Bill No. 6767

LCO No. 3232



Referred to Committee on HIGHER EDUCATION AND
EMPLOYMENT ADVANCEMENT

Introduced by:
(HED)

***AN ACT CONCERNING THE APPROVAL AND AUTHORIZATION OF
PRIVATE OCCUPATIONAL SCHOOLS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 10a-22b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2015*):

3 (a) No person, board, association, partnership, corporation, limited
4 liability company or other entity shall offer instruction in any form or
5 manner in any trade or in any industrial, commercial, service,
6 professional or other occupation unless such person, board,
7 association, partnership, corporation, limited liability company or
8 other entity first receives from the executive director a certificate
9 authorizing the occupational instruction to be offered.

10 (b) Except for initial authorizations, the executive director shall
11 accept institutional accreditation by an accrediting agency recognized
12 by the United States Department of Education, in satisfaction of the
13 requirements of this section and section 10a-22d, as amended by this

14 act, including the evaluation and attendance requirement, unless the
15 executive director finds reasonable cause not to rely upon such
16 accreditation.

17 (c) Each person, board, association, partnership, corporation, limited
18 liability company or other entity which seeks to offer occupational
19 instruction shall submit to the executive director, or the executive
20 director's designee, in such manner as the executive director, or the
21 executive director's designee, prescribes, an application for a certificate
22 of authorization which includes, but need not be limited to, (1) the
23 proposed name of the school; (2) ownership and organization of the
24 school including the names and addresses of all principals, officers,
25 members and directors; (3) names and addresses of all stockholders of
26 the school, except for applicants which are listed on a national
27 securities exchange; (4) addresses of any building or premises on
28 which the school will be located; (5) description of the occupational
29 instruction to be offered; (6) the proposed student enrollment
30 agreement, which includes for each program of occupational
31 instruction offered a description, in plain language, of any
32 requirements for employment in such occupation or barriers to such
33 employment pursuant to state law or regulations; (7) the proposed
34 school catalog, which includes for each program of occupational
35 instruction offered a description of any requirements for employment
36 in such occupation or barriers to such employment pursuant to state
37 law or regulations; (8) financial statements detailing the financial
38 condition of the school pursuant to subsection (d) of this section and
39 subsection (g) of section 10a-22d prepared by management and
40 reviewed or audited by an independent licensed certified public
41 accountant or independent licensed public accountant; and (9) an
42 agent for service of process. Each application for initial authorization
43 shall be accompanied by a nonrefundable application fee made
44 payable to the private occupational school student protection account
45 in the amount of two thousand dollars for the private occupational
46 school and two hundred dollars for each branch of a private

47 occupational school in this state.

48 (d) Each person, board, association, partnership, corporation,
49 limited liability company or other entity seeking to offer occupational
50 instruction shall have a net worth consisting of sufficient liquid assets
51 or produce other evidence of fiscal soundness to demonstrate the
52 ability of the proposed private occupational school to operate, achieve
53 all of its objectives and meet all of its obligations, including those
54 concerning staff, [and] students and rent or mortgage payments,
55 during the period of time for which the authorization is sought.

56 (e) Upon receipt of a complete application pursuant to subsection (c)
57 of this section, the executive director shall cause to be conducted an
58 evaluation of the applicant school. Not later than sixty days (1) after
59 receipt of a complete application for initial authorization, or (2) prior to
60 expiration of the authorization of a private occupational school
61 applying to renew its certificate of authorization, the executive director
62 or a designee of the executive director shall appoint an evaluation
63 team pursuant to subsection (f) of this section. Thereafter, the
64 executive director shall [advise] notify the applicant of authorization
65 or nonauthorization not later than one hundred twenty days following
66 the completed appointment of [an] such evaluation team. [pursuant to
67 subsection (e) of this section.] The executive director may consult with
68 the Labor Department and may request the advice of any other state
69 agency which may be of assistance in making a determination. In the
70 event of nonauthorization, [by] the executive director [, he] shall set
71 forth the reasons therefor in writing and the applicant school may
72 request in writing a hearing before the executive director. Such hearing
73 shall be held in accordance with the provisions of chapter 54.

74 (f) For purposes of an evaluation of an applicant school, the
75 executive director, or the executive director's designee, shall appoint
76 an evaluation team which shall include (1) at least two members
77 representing the Office of Higher Education, and (2) at least one
78 member for each of the areas of occupational instruction for which

79 authorization is sought who shall be experienced in such occupation.
80 The applicant school shall have the right to challenge any proposed
81 member of the evaluation team for good cause shown. A written
82 challenge shall be filed with the executive director within ten business
83 days following the appointment of such evaluation team. In the event
84 of a challenge, a decision shall be made thereon by the executive
85 director within ten business days from the date such challenge is filed,
86 and if the challenge is upheld the executive director shall appoint a
87 replacement. Employees of the state or any political subdivision of the
88 state may be members of evaluation teams. The executive director, or
89 the executive director's designee, shall not appoint any person to an
90 evaluation team unless the executive director, or such designee, has
91 received from such person a statement that the person has no interest
92 which is in conflict with the proper discharge of the duties of
93 evaluation team members as described in this section. The statement
94 shall be on a form prescribed by the executive director and shall be
95 signed under penalty of false statement. Members of the evaluation
96 team [shall] may serve without compensation. Except for any member
97 of the evaluation team who is a state employee, members shall be
98 reimbursed for actual expenses, which expenses shall be charged to
99 and paid by the applicant school.

100 (g) The evaluation team appointed pursuant to subsection (f) of this
101 section shall: (1) Conduct an on-site inspection; (2) submit a written
102 report outlining any evidence of noncompliance; (3) give the school
103 [sixty] thirty days from the date of the report to provide evidence of
104 compliance; and (4) submit to the executive director a written report
105 recommending authorization or nonauthorization not later than one
106 hundred twenty days after the on-site inspection. The evaluation team
107 shall determine whether (A) the quality and content of each course or
108 program of instruction, including, but not limited to, residential, on-
109 line, home study and correspondence, training or study shall
110 reasonably and adequately achieve the stated objective for which such
111 course or program is offered; (B) the school has adequate space,

112 equipment, instructional materials and personnel for the instruction
113 offered; (C) the qualifications of directors, administrators, supervisors
114 and instructors shall reasonably and adequately assure that students
115 receive education consistent with the stated objectives for which a
116 course or program is offered; (D) students and other interested persons
117 shall be provided with a catalog or similar publication describing the
118 courses and programs offered, course and program objectives, length
119 of courses and programs, schedule of tuition, fees and all other charges
120 and expenses necessary for completion of the course or program, and
121 termination, withdrawal and refund policies; (E) upon satisfactory
122 completion of the course or program, each student shall be provided
123 appropriate educational credentials by the school; (F) adequate records
124 shall be maintained by the school to show attendance and grades, or
125 other indicators of student progress, and standards shall be enforced
126 relating to attendance and student performance; (G) the applicant
127 school shall be financially sound and capable of fulfilling its
128 commitments to students; (H) any student housing owned, leased,
129 rented or otherwise maintained by the applicant school shall be safe
130 and adequate; and (I) the school and any branch of the school in this
131 state has a director located at the school or branch who is responsible
132 for daily oversight of the school's or branch's operations. The
133 evaluation team may also indicate in its report such recommendations
134 as may improve the operation of the applicant school.

135 (h) Any hospital offering instruction in any form or manner in any
136 trade, industrial, commercial, service, professional or other occupation
137 for any remuneration, consideration, reward or promise, except to
138 hospital employees, members of the medical staff and training for
139 contracted workers, shall obtain a certificate of authorization from the
140 executive director for the occupational instruction offered. Each
141 hospital-based occupational school submitting an application for initial
142 authorization shall pay an application fee of two hundred dollars
143 made payable to the private occupational school student protection
144 account. The executive director shall develop a process for prioritizing

145 the authorization of hospital-based occupational schools based on size
146 and scope of occupational instruction offered. Such schools shall be in
147 compliance with this section when required pursuant to the executive
148 director's process, or by 2012, whichever is earlier.

149 (i) Any program, school or other entity offering instruction in any
150 form or manner in barbering or hairdressing for any remuneration,
151 consideration, reward or promise shall obtain a certificate of
152 authorization from the executive director of the Office of Higher
153 Education for the occupational instruction offered. Each program,
154 school or entity approved on or before July 1, 2013, by the Connecticut
155 Examining Board for Barbers, Hairdressers and Cosmeticians pursuant
156 to chapter 368 or 387 that submits an application for initial
157 authorization shall pay an application fee of five hundred dollars
158 made payable to the private occupational school student protection
159 account. The executive director of the Office of Higher Education shall
160 develop a process for prioritizing the authorization of such barber and
161 hairdressing programs, schools and entities. Such programs, schools
162 and entities shall be in compliance with this section on or before July 1,
163 2015, or when required pursuant to the executive director's process,
164 whichever is earlier. No person, board, association, partnership
165 corporation, limited liability company or other entity shall establish a
166 new program, school or other entity that offers instruction in any form
167 or manner in barbering or hairdressing on or after July 1, 2013, unless
168 such person, board, association, partnership, corporation, limited
169 liability company or other entity first receives from the executive
170 director of the Office of Higher Education a certificate authorizing the
171 barbering or hairdressing occupational instruction to be offered in
172 accordance with the provisions of this section.

173 Sec. 2. Subsection (c) of section 10a-22d of the general statutes is
174 repealed and the following is substituted in lieu thereof (*Effective July*
175 *1, 2015*):

176 (c) Renewal of the certificate of authorization shall be granted only

177 upon (1) payment of a nonrefundable renewal fee to the Office of
178 Higher Education in the amount of two hundred dollars for the private
179 occupational school and two hundred dollars for each branch of a
180 private occupational school, (2) submission of any reports or audits, as
181 prescribed by the executive director or the executive director's
182 designee, concerning the fiscal condition of the private occupational
183 school or its continuing eligibility to participate in federal student
184 financial aid programs, (3) the filing with the executive director of a
185 complete application for a renewed certificate of authorization not less
186 than one hundred twenty days prior to the termination date of the
187 most recent certificate of authorization, and (4) a determination that
188 the private occupational school meets all the conditions of its recent
189 authorization, including, at the discretion of the executive director,
190 evidence that such school is current on its rent or mortgage
191 obligations, and the filing of documentation with the executive
192 director that the private occupational school has a passing financial
193 ratio score as required by 34 CFR 668, as amended from time to time.

194 Sec. 3. Subsection (a) of section 10a-22g of the general statutes is
195 repealed and the following is substituted in lieu thereof (*Effective July*
196 *1, 2015*):

197 (a) A private occupational school which is authorized by the
198 executive director pursuant to sections 10a-22a to 10a-22o, inclusive,
199 and sections 10a-22u to 10a-22w, inclusive, may request authorization
200 to establish and operate additional classroom sites or branch schools
201 for the purpose of offering the occupational instruction authorized by
202 the executive director, provided the additional classroom site or
203 branch school complies with the provisions of subsection (b) of this
204 section. Such school shall make such request for authorization to
205 operate an additional classroom site or branch school, in the manner
206 and on such forms as prescribed by the executive director, at least
207 [thirty] sixty days prior to the proposed establishment of such
208 additional classroom site or branch school.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2015</i>	10a-22b
Sec. 2	<i>July 1, 2015</i>	10a-22d(c)
Sec. 3	<i>July 1, 2015</i>	10a-22g(a)

Statement of Purpose:

To make certain changes to the statutes concerning the approval and authorization of private occupational schools.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]